



Federal Communications Commission
Washington, D.C. 20554

DA 07-3994

September 21, 2007

Mr. David M. Drucker
Manager, ATCONTACT Communications, LLC
2539 N. Highway 67
Sedalia, CO 80135

Re: ATCONTACT Communications, LLC
File Nos. SAT-MOD-20070309-00048;
SAT-AMD-20070309-00049
(Call Sign: S2860)

Dear Mr. Drucker:

This letter refers to the above-referenced applications filed by ATCONTACT Communications, LLC (ATCONTACT). ATCONTACT seeks to modify its license by relocating one of the geostationary satellite orbit (GSO) satellites in its licensed system from 83° W.L. to 87° W.L., and adding the following frequency bands: 28.35-28.6 GHz, 29.25-30.0 GHz (Earth-to-space) and 18.3-18.8 GHz, 19.7-20.2 GHz (space-to-Earth). For the reasons set forth below, we return the applications as unacceptable for filing without prejudice to refiling.¹

Section 25.112(a) of the Commission's rules provides that the Commission will return an application as unacceptable for filing if the application is defective with respect to completeness of answers or informational showings, is internally inconsistent, or does not substantially comply with the Commission's rules unless a waiver of the rules is requested.² We find ATCONTACT's applications defective in three respects, each of which renders the application unacceptable for filing.

First, ATCONTACT represents that it complies with the power flux-density (pfd) limits set forth in section 25.138(a)(6) of the Commission's rules, which specifies -118 dBW/m²/MHz for all angles of arrival.³ Our review of ATCONTACT's Schedule S information indicates, however, that the pfd limits for certain angles of arrival for beam "KTR" are -117 dBW/m²/MHz, which exceed the limits allowed by the Commission's rules.⁴ Furthermore, ATCONTACT did not request a waiver of section 25.138(a)(6) with the appropriate justification.

¹ If ATCONTACT refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).

² 47 C.F.R. § 25.112(a).

³ 47 C.F.R. § 25.138(a)(6).

⁴ ATCONTACT Modification Application, Schedule S at 5 – section 8, column I, J, and K.

Second, section 25.114(d)(3) of the Commission's rules requires each applicant to provide "predicted space station antenna gain contours for each transmit and each receive antenna beam ... requested."⁵ ATCONTACT's application represents in its Technical Appendix that its GSO satellite will have 45 active receive beams and 45 active transmit beams.⁶ ATCONTACT, however, provided only four "representative" contours, rather than one for each beam. Moreover, to the extent ATCONTACT did not intend to provide these contours, it did not request a waiver of section 25.114(d)(3) with the appropriate justification.⁷

Third, the application is inconsistent with respect to the number of receive and transmit beams on the satellite. ATCONTACT indicates first in the Technical Appendix that it will use "45 Ka-band receive beams and 45 active beams" but later states it will use "69 active transmit and 75 active receive beams for standard communication."⁸ ATCONTACT should address this inconsistency if it refiles the application.

Further, although not grounds for dismissal, ATCONTACT should clarify or supplement its orbital debris mitigation plans set forth in the application in any refiling. Specifically, ATCONTACT should clarify its statement that "all remaining fuel stores would either be safed or vented."⁹ The Commission's rules governing the assessment and probability of accidental explosions requires a demonstration addressing "whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line valves open, venting a pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application." See 47 C.F.R. § 25.114(d)(14)(ii). ATCONTACT must confirm compliance with this statement, or if relying on "other equivalent procedures," submit a detailed description of those procedures as well as an analysis of the equivalency of those measures to those identified in the rule. We also note that section 25.283(c) of the rules requires all space stations to ensure that all energy sources on board are discharged at the spacecraft's end of life.¹⁰

In addition, ATCONTACT should provide, in any refiled application, an explanation of the method used to make the assessment of its safe flight profile analysis. Such an explanation should address the steps taken and sources used to identify operating satellites – both domestic and international – within +/- 0.1 degrees (the station-keeping box) of the requested orbital location. The information should also include satellites scheduled for launch, and include references to the specific databases used to determine which satellite networks within the station keeping box require coordination to prevent possible collisions.¹¹

⁵ 47 C.F.R. § 25.114(d)(3).

⁶ ATCONTACT Communications, LLC, File No. SAT-MOD-20070309-00048 (ATCONTACT Modification Application), Technical Appendix at 3; ATCONTACT Communications, LLC, File No. SAT-AMD-20070309-00049 (ATCONTACT Amended Application), Technical Appendix at 3.

⁷ The Commission may waive its rules when good cause is demonstrated. 47 C.F.R. § 1.3.

⁸ ATCONTACT Amended Application, Technical Appendix at 3 ("45 Ka-band receive beams and 45 active beams will be used") and Technical Appendix at 9 ("69 active transmit and 75 active receive beams for standard communication").

⁹ ATCONTACT Modification Application, Technical Appendix at 23, ATCONTACT Amended Application, Technical Appendix at 24.

¹⁰ 47 C.F.R. § 25.283(c).

¹¹ Examples of databases that may be consulted include, but are not limited to, those provided by the Commission (myIBFS), ITU, NORAD, and other commercially available databases. An explanation of the method used to make an assessment of "whether there are satellites at, or reasonably expected to be located at, the requested orbital location," should also include sources consulted to determine which ITU filings are reasonably expected to be located at or near the requested orbital location.

Last, we note that the antenna gain contour diagrams were improperly attached to Form 312, Schedule S, under section S8(E), rather than S8(F). ATCONTACT should correct this error if it chooses to refile. We urge ATCONTACT to ensure the accuracy and completeness of its representations to the Commission in any refiling.

Accordingly, pursuant to section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1) and Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, we return ATCONTACT's applications as unacceptable for filing.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

cc: James M. Talens
Counsel for ATCONTACT Communications, Inc.